

CLARKE COUNTY BOARD OF SUPERVISORS
October 21, 2003 Regular Meeting 9:00 a.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, October 21, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

David Nelms, Alison Teetor, Angie Jones, Kathy Shifflett, Luke Phillips, Gem Bingol, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:07 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add after Adoption of Agenda: Social Services Acknowledgement by Angie Jones

Add Closed Session: Discuss Disposition of Millwood Property – David Ash, County Administrator

Remove Old Dominion Alcohol Safety Action Program Update. This item will be rescheduled.

Add to Miscellaneous: Discussion on Biosolids – Supervisor Byrd
Discussion on Telecommuter Center – Supervisor Dunning

Supervisor Dunning moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Social Services Employee Recognition

Angie Jones, Director of the Clarke County Department of Social Services, appeared before the Board to formally recognize the achievements of Kathy Shifflet, Social Worker in charge of Virginia Initiative for Employment Not Welfare [V.I.E.W.]. Mrs. Shifflet assists persons enrolled in this program find employment, transportation and day care. Mrs. Jones informed the Board that there are the 122 agencies in Virginia; and in August 2003, Clarke County was No. 1 in the State for this program with 100% employment for that time period. Mrs. Jones described the difficulties Mrs. Shifflet had to surmount to attain this level. Angie Jones declared that she

wished to formally recognize the efforts on Kathy Shifflet's behalf to reach this level of achievement.

Mrs. Shifflet expressed her gratitude to the entire staff at the Clarke County Department of Social Services. She stated that she had a wonderful supervisor in Mrs. Jones, who allowed her to think "out of the box". She explained that it was difficult for a small agency to reach 100% employment since one problem pull down all of the figures. She wished to recognize Clarke County Parks and Recreation, as well as the Maintenance Department their willingness to assist her.

Chairman Staelin provided Mrs. Shifflet with a copy of the letter of recognition describing her role in the agency, as well as her dedication. He extended the Board's appreciation and stated that it was good to know that there was someone looking out for the disadvantaged residents in the County.

Approval of Meeting Minutes:

Regular Meeting September 16, 2003

Vice Chairman Hobert moved to accept the meeting minutes for September 16, 2003 as written. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Interstate 81 Discussion

Chuck Johnston, Planning Administrator, appeared before the Board to provide an update on the proposals for the I81 Corridor. He informed the Board that VDOT has requested comments from governing bodies by November 4th on the two alternative proposals for improvements in the I-81 corridor. He provided the following information on the two proposals.

The Fluor proposal is:

- 6 lanes (eight lanes in 10 areas of steep grades),
- staying within the existing right-of-way to the extent possible,
- rebuilding most interchanges,
- placing a toll on cars and trucks, tolls would be charged by electronic sensors and cameras, trips of less than 10 miles would have no toll, and
- cost: <\$6 billion; completion by 2014.

The Star Solutions proposal is:

- 8 lanes (two sets of two lanes with the inner set of two lanes limited to trucks and the outer set of two lanes limited to cars,
- truck lanes would have their own ramps at major interchanges,
- to get off at lesser interchanges, the trucks would move into the car lanes by flyover ramps (eight sets of flyover ramps are proposed),
- rebuilding most interchanges,

- placing a toll on trucks only, tolls would be charged via sensors and cameras, and
- cost: <\$8 billion; completion by 2018.

VDOT has required both consultants to include rail improvements to divert long haul trucking off the interstate. Both consultants propose the same rail improvements based on recommendations from Norfolk Southern:

- in Clarke County: the existing one mile long siding from East Main in Berryville to ¼ mile north of Route 7 Bypass would be extended to Boom Road for a total length of two miles,
- in Warren County: the existing siding near the Bearing truck plant would be extended south to Riverton and become six miles long and the Riverton intersection with the line from Front Royal to Manassas would be modified to increase the radius of the turn allowing trains to travel up to 25 mph.,
- in Fauquier County: two siding improvements, and
- in Prince William County: build a dual track for 10 miles west of Manassas and build a new three mile long connection to the mainline at Manassas.

The financing would be federal rail safety funds and a toll on boxcars moving through this corridor. There is no specific time schedule for construction. Norfolk Southern estimates that this will increase capacity along these segments by 2 to 3 times.

Mr. Johnston said that since the rail improvements are the same for both options, the Board does not have to make a choice; but may wish to ask for additional improvements. Following discussion, by consensus, the Board requested the following:

- Staff to arrange a meeting with the Town of Berryville to solicit their opinion.
- Staff to draft the Board of Supervisors' opinion to include:
 - build at-grade crossings,
 - crossing improvements,
 - improve flow of traffic over tracks
 - drainage improvements [Berryville and Boyce]
 - noise reduction
 - Identify right of ways.
- John Staelin authorized to sign the letter.

Chairman Staelin attended the VDOT meeting on Primary Highways. He informed the Board that the intersection at Double Tollgate was one of three sites that VDOT proposed for addition to the list for funding. He explained that Frederick County and the Regional Commission were very interested in seeing this project initiated. Mr. Staelin conveyed VDOT's concerns regarding the impact of the clean up of Hurricane Isabel on its budget with current estimates as high as \$100MM.

Chairman Staelin reminded those present that other VDOT issues would be reviewed at the public hearing on the Secondary Six-Year Plan scheduled for Wednesday, October 22, 2003, at 7:30 p.m. in the Board of Supervisors Meeting Room.

Natural Resources Planner

USGS Quarterly Report, David Nelms

David Nelms, USGS, appeared before the Board to provide the quarterly report. He provided graphs that illustrated the shift from severe draught conditions during the October 2002 and record highs in October 2003. He reported that one well measured in the County is now seven feet higher than last year at this time. He expressed his appreciation to the County for making the measurements at Blandy available in real time. Mr. Nelms briefly described for the Board how he age-dates water samples, the chemicals they test for, and which of the chemicals provides the data they need such as nitrogen and argon measurements give the water temperature.

These measurements will give the County some of the data it needs to determine which areas it needs to protect. Early results show that the water levels in northwest portion of the County fluctuate, filling up and draining out quickly. This information can aid the County in making zoning regulations to control density and/or locations where houses are built.

Mr. Nelms stated that droughts are cyclic and the County can anticipate another drought in 10 to 11 years and every 30 years there will be a significant drought.

Mr. Nelms thanked Board for the aerial photographs. He displayed for the Board one of the pictures that shows a fold in the rock on the Shenandoah River. The photo also displayed faults in the bed of the river.

Another graph presented by Mr. Nelms was one that tracks the pattern as it relates to the activity of the sun and moon. This is being used to see what, if any, impact these heavenly bodies might have on the water supply.

Mr. Nelms provided a picture of the Clarke County information located on the USGS website.

Chairman Staelin stated that the County needed to study its ground water if it wants to protect the flow in the river and wells against pollution. Mr. Nelms stated that age dating the water allows them to better determine the water sources susceptibility to draught and pollution, i.e. new water is more susceptible.

Mr. Nelms, responding to Mr. Hobert's query, stated that arsenic could be detected in water. He stated that arsenic is naturally occurring and can be particularly high in orchard settings. He stated that he does not have a baseline established to know what level is natural. Sampling for arsenic can be performed for an additional charge.

Vice Chairman Hobert requested that Mr. Nelms provide a timeline for the Board covering the next nine months or longer. He further requested a written report detailing their significant findings, what they mean, where they are going and to what areas the findings apply.

Engineering Performance Discussion, Alison Teetor

In response to issues raised during the September 16, 2003 Board of Supervisors' Meeting, Alison Teetor, Natural Resources Planner, appeared before the Board to discuss the Millwood Sewer Project. Ms. Teetor opined that this was a long, frustrating project and she offered her apologies for any statements that she may have made that were misconstrued in a manner that would suggest that Chester Engineering had failed to provide adequate design or construction monitoring services. She stated that a few grinder pumps were moved due to the issues with location and rocks. Eight grinder pumps are being laid in rock, which is causing delays.

She reminded the Board that a topographic survey, which would have cost over \$100M, was not provided. As a result, they were digging as deep as they thought acceptable.

She informed the Board that pipe laid approximately 20 to 30 years ago was misidentified by a previous contractor and was actually a 4" pipe not a 6", which was shown on the drawings.

Ms. Teetor stated there had been no increase in cost to homeowners except where agreed. She elaborated that some homeowners had requested a change in the placement location of the pump and lateral line. The homeowners were notified of the increase in cost and had agreed to pay the additional amount.

Supervisor Dunning requested that change requests from homeowners for the relocation of the sewer line and/or grinder pump be done in writing.

Alison Teetor put forth that there was additional expense incurred when the line was moved from one side of the road to another due to lack of space; but this, too, was the fault of inaccuracies in old drawings.

To date, only one person has declined to hook up to the sewer. The grant requires that any person who declines hook up sign a waiver.

John Staelin requested that a Ms. Teetor provide for the Board a report on minimum instream flow and the review be placed on the December 2003 Agenda.

Vice Chairman Hobert requested that the record reflect that this discussion was sufficient to clear the specific required actions identified at the September 18, 2003 Board of Supervisor's Meeting, which were: 1) David Ash to review the Millwood Sewer problems with staff; 2) Alison Teetor compile a list of problems with Millwood Sewer Project; 3) Staff to review costs of the Millwood Project; and if mistakes were made, determine whether they caused an increase in installation cost to the homeowner.

Text Amendment – Set Public Hearing

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance, Section 3-C, Supplementary Regulations and Section 6-H Improvements and Minimum Standards for Site Plans so as to modify the standards for Monopoles for Telecommunication Antennae. TA-03-09

Chuck Johnston provided a brief overview of the text amendment to the Board. Mr. Johnston explained that the previous regulations did not work as well as desired and that the proposed amendment addressed two main areas of change, the height of the monopole and its setbacks.

The proposed changes would clarify how the maximum height is to be determined in relation to surrounding trees. The proposed maximum height is to be not more than 15 feet taller than the average height of the tree canopy within 100 feet of the perimeter of the area to be cleared for the monopole.

The proposed changes would also increase setbacks from roads and scenic resources. The setback from roads is proposed to be twice the height of the proposed monopole. The setback from scenic resources (the Appalachian National Scenic Trail, parcels under permanent open space easement, parcels in the Clarke County Historic Overlay District, the State Arboretum of Virginia portion of the University of Virginia's Blandy Farm, state designated Scenic Byways, the Shenandoah River [a state designated scenic river], and State Parks and Wildlife Management Areas) is proposed to be four times the height of the proposed monopole.

Chairman Staelin put forth concerns expressed by the Board regarding access. He stated that he would like to see in the regulations restrictions that would limit access to these sites. Mr. Johnston stated that he would add this language.

Supervisor Dunning moved to set the matter for public hearing on November 18, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Text Amendment – Set Public Hearing

The Clarke County Planning Commission recommends the amendment of:

1. *the County Zoning Ordinance Sections*
 - 3-A-13, *Neighborhood Commercial District (CN)*
 - 3-A-14, *Highway Commercial District (CH)*
 - 4-I-3, *Permitted Signs,*
 - 6-H *Site Plan Improvements and Minimum Standards, and*
2. *the County Subdivision Ordinance Sections*
 - 6, *Consumer Disclosure Statement,*
 - 7-C *Details of Plat Requirements for Record Plats,*
 - 10-D, *Boundary Line Adjustments so as to:*
 - a. *establish building setbacks from intermittent streams, and perennial streams & springs on parcels zoned Neighborhood and Highway Commercial,*
 - b. *delete the maximum impervious surface area requirement in the Neighborhood Com. District,*
 - c. *revise standards for free-standing signs,*
 - d. *require on commercial site plans the use of native plant materials and landscape materials that have low water and nutrient requirements (xeriscape),*
 - e. *delete reference to existing sub-standard private roads,*
 - f. *require maintenance of existing septic tanks on parcels proposed for subdivision,*
 - g. *require a statement on plats of residential lots encouraging limited use of fertilizers and pesticides so as to protect groundwater quality, and*
 - h. *change the standard for residential boundary line adjustments so as to conform with Zoning Ordinance standards. TA-03-12*

Following discussion, it was agreed that item g. be changed and the words “of residential lots” be removed.

Mr. Johnston indicated that the County uses the definition for intermittent stream as defined by USGS. While Supervisor Dunning expressed concern that the maps were not accurate, Mr. Johnston opined that it was the best standard currently available.

Supervisor Dunning moved to set the matter for public hearing on November 18, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Concurrence on Declaration of Emergency for Hurricane Isabel on Thursday, September 18, 2003 at 5:25 pm

- David L. Ash, County Administrator

Following a brief period of discussion, **Supervisor Dunning moved that the Board of Supervisors formally concur on the declaration of a state of emergency for Hurricane Isabel on Thursday, September 18, 2003 at 5:25 pm.**

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Update on Response Activities

David Ash, County Administrator and Emergency Services Coordinator for Clarke County, provided the Board with an update to the clean up and response activities subsequent to Hurricane Isabel. He opined that most residents in the County fared much better than originally anticipated.

Mr. Ash stated that VDOT had done a good job getting the roads cleared of downed trees and limbs. There were 17 roads closed due to fallen trees. He informed the Board that two VDOT workers were injured, one severely, while performing clean up efforts on Thursday evening. These workers were injured while trying to clear a fallen tree on Route 50.

Allegheny Power reported the day following the hurricane that 5,000 customers were without power. They also provided updates three times per day until the September 24, when all residents were restored to power. Chairman Staelin requested that Mr. Ash send a letter to Marsha Simons, Allegheny Power, acknowledging their efforts during this storm.

Mr. Ash stated that while Virginia Dominion Power only has 180 customers in the County he was unable to get any information from that company. At no point were they able to provide either an estimate of how many customers were without power or an approximate length of time it would take to restore power. Chairman Staelin asked Mr. Ash to follow up with Virginia Dominion Power and request that they appear before the Board to address their concerns.

Supervisor Dunning stated that extended power outages in Shenandoah Farms were from sources in Warren County.

At this time, there has been very little damage reported to the County, which may be due in part to a change in FEMA reporting requirements. Flyers and news stories have been informing residents to contact FEMA directly. Currently, 30 Clarke County residents have applied for assistance. FEMA will provide the County with a report. Mr. Ash stated that the deadline to report damages is close and any damage reports need to be made as soon as possible.

David Ash reported that they were able to get an Advanced Life Support EMT stationed at Shenandoah Farms during the storm. This person was there and did respond to the burn victim in that area, who was trapped due to the flooded conditions. Prior to this incident, this same EMT provided timely life-saving assistance to an employee of the Virginia Department of Transportation.

Discussion Of Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

Committee/Board	Appointee	Expiration Date
Clarke County Library Advisory Council <i>Ms. Lewis is appointed to complete the unexpired term of Charles Burwell.</i>	Kim Lewis	4/15/05
Planning Commission – Russell District <i>Mr. Ohrstrom is appointed to complete the unexpired term of Robert Smalley.</i>	George Ohrstrom	4/30/07
Planning Commission – Buckmarsh District <i>Ms. Batterton is appointed to complete the unexpired term of David Weiss.</i>	Barbara Batterton	4/30/04
Clarke County Industrial Development Authority <i>Mr. Garrett is appointed to complete the unexpired term of Jane Diven.</i>	Henry L. Garrett III	10/30/04

Committee/Board	Appointee	Expiration Date
Clarke County Industrial Development Authority <i>Mr. Taylor is a new appointee filling the position previously held by Barry Hockenberry. This is a four-year term beginning 10/30/03.</i>	Harold Taylor	10/30/07
Shenandoah Area Agency on Aging, Inc. <i>Ms. Crawford is a new appointee filling the position previously held by Lawrence Wilson. This is a four-year term beginning 9/30/03.</i>	Francis Crawford	9/30/07
Northern Shenandoah Valley Regional Commission Disability Services Board <i>Mr. Smith is appointed to complete the unexpired term of Michael Hobert.</i>	Murray Smith	3/31/05

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin

-

Aye
- Vice Chairman Hobert

-

Aye
- Supervisor Byrd

-

Aye
- Supervisor Dunning

-

Aye
- Supervisor Weiss

-

Aye

The Clarke County Library Advisory Council has requested the Board of Supervisors to consider the addition of two more positions on the Council. This matter will be sent to the Personnel Committee for recommendation.

Appointment of Voting Delegates for VACo Annual Meeting

David Ash informed the Board that needed to appoint voting delegates for the upcoming annual meeting of VACo. The Personnel Committee recommended the appointment of the Board of Supervisors Chair and Vice Chair as the voting delegate and alternate to the VACo meeting and the County Administrator be given authorization of proxy in the absence of both of the above

Supervisor Dunning moved to appoint John Staelin as the voting delegate and J. Michael Hobert as the alternate and authorized the County Administrator as the proxy in the absence of both the delegate and the alternate.

The motion was approved by the following vote:

- Chairman Staelin

-

Aye
- Vice Chairman Hobert

-

Aye
- Supervisor Byrd

-

Aye
- Supervisor Dunning

-

Aye
- Supervisor Weiss

-

Aye

24/7 EMS coverage

There is an alternate proposal for coverage under discussion and no final decision has been made.

Appointment of Operation Medical Director for County EMS Agency

David Ash provided an overview proposed contract. This contract sets forth the appointment of Dr. Potter as the medical director for all of the agencies in the County. An operation medical director is required and is an unpaid position. Vice Chairman Hobert requested that

the Personnel Committee review the organizational structure of the EMS agency with the idea of creating something with a more formal structure with greater definition.

Supervisor Weiss moved to approve the contract appointing Dr. Potter as the Operational Medical Director for County EMS.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Acknowledge Distribution of Revised Freedom of Information Act Guides

David Ash apprised the Board of the recent revision to the Freedom of Information Act. The revised guides from Weldon Cooper have been distributed to all members of boards and commissions appointed by the Board of Supervisors. Vice Chairman Hobert requested that an update of the Appointments and Commission database be distributed to the Board.

Board of Supervisors Work Session

Continued Discussion from Board of Supervisors Meeting on Economic Model

Chairman Staelin explained to the Board that they are not responsible for the design of the school building; this is the responsibility of the School Board. Therefore, the Board of Supervisors must rely upon the School Board to be responsible in their work.

At this time, no specific budget has been set. Chairman Staelin stated that for every million spent on the school it would mean a tax increase of about 1%. The tax increase could be as much as 27% to 38%.

Mr. Staelin opined that the County should not spend so much on the buildings that they are unable to provide adequate salaries. Funding the current design provided by Moseley would result in 64% more school debt per capita than Loudoun County, which is currently No. 2 in the State in school debt per capita.

John Staelin stated that the Boards must come to an agreement on the numbers. He would like the next Joint Committee on School Construction to focus on these issues. Both Supervisors Dunning and Weiss expressed concern regarding the tax increase. Chairman Staelin remarked that if the School Board wishes to pursue any of scenarios presented they must be willing to formally support the tax increases necessary to fund the construction.

Finance

Supplemental Appropriations for Fiscal Year 2004

- a) School Fund Balance—The Committee is asked to recommend a supplemental appropriation of \$196,000 to the School Operating Fund in order to return to the schools the fund balance remaining from the previous fiscal year. (No Documents)
- b) Social Services—The Committee is asked to recommend a supplemental appropriation of \$42,000 to Social Services in order to recognize additional federal funds obtained by the state for use at the local level for the purpose of serving “at-risk” children.

Vice Chairman Hobert moved to approve the supplemental appropriations.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

c) Social Services

The Committee is asked to recommend a supplemental appropriation of \$30,000 of local funds to the CSA Fund in order to authorize the expenditure of fund balance to provide service to non-mandated children who may benefit from early intervention with services intended to avert the crisis level qualification requirements

The Finance Committee has held this request over for further consideration.

Historical Association re compromise proposal on Coiner House renovation costs.

The Finance Committee Recommendation: The committee did not accept the arguments put forth supporting a reduction in the invoice to the historical association regarding the Coiner House improvements.

Funding for Public Awareness Campaign Supporting Full State funding for Education

This proposed joint activity has been discontinued due to lack of funding.

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates. He informed the Board that the County is moving forward with the gypsy moth program but they may be down to just hot spots this year.

Soil Contaminate Update

- David L. Ash, County Administrator

Mr. Ash informed the Board that calls had been made to the Department of Environmental Quality [DEQ] and he was awaiting their reply. DEQ was asked if they would conduct a study and initiate remediation. Currently, DEQ is assuring the County there is no immediate threat. However, extensive testing may be necessary over a period of time, similar to that conducted on the Nofs property, which took nine months.

Chairman Staelin requested David Ash to explore the following:

- What are the testing costs?
- How far apart should samples be taken?
- Determine whether water needs to be part of the testing.
- Determine whether the Berryville Area Development Authority, the Planning Commission and/or the Zoning should add regulations.
- Compile a statement of facts.
- Determine what are the risks.
- Understand who is responsible, DEQ or EPA.
- What testing protocols are recommended?
- What was the legal obligation of Triad, who performed the original tests?

Bills And Claims

- Barbara Byrd, Supervisor

Supervisor Byrd observed that insurance costs are high and continue to rise. Workers compensation is over budget. Also over budget at this time are professional services and travel.

Supervisor Byrd moved to accept the Bills and Claims as presented for the month.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board of Supervisors. Mr. Sours stated that there were now five lots available for sale in the Business Park. One lot owned by the County has been excluded from sale due to the lot size and possible future need of the County for its use.

The results of a recent survey of commuters were briefly reviewed.

Miscellaneous Items

Discussion of Establishing a Center for Telecommuters

Lucien Phillips, Clarke County resident, System Integration Engineer and telecommuter, appeared before the Board to initiate dialog regarding the establishment of a center for telecommuters in the Clarke County area. He opined that the vacant medical building on Buckmarsh Street could easily be used for such a center and indicated that he would voluntarily do a feasibility study. He put forth that many companies are amenable to these types of centers and are willing to support them. Also, there are loans available from state and federal agencies for the establishment of such facilities. Such a location could provide additional benefit to the community by affording residents additional time within the community, which could result in increased revenue for local businesses. Mr. Phillips stated that he was looking to the County for a supporting role in such a venture.

Chairman Staelin requested that Michael Hobert and John Sours review this idea with the Economic Development Advisory Committee.

Biosolids

Supervisor Byrd brought to the Board's attention concerns expressed by some of her constituents in the Wadesville area about the application of biosolids. She requested that the Board review the current regulations to see if a time limit for application can be enforced.

David Ash stated that Synagro has alleged that the County's regulations are in violation of State law. Chairman Staelin put forth that Bob Mitchell was looking at this issue.

Closed Session:

Vice Chairman Hobert moved to convene into closed session pursuant to Section §2.2.3711-A6 and §2.2.3711-A3 of the Code of Virginia, as amended, to discuss the

investment of public funds where competition or bargaining is involved and real estate issues.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Weiss moved to reconvene in open session. The motion carried as follows:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Supervisor Weiss moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide a timeline for the Board covering the next nine months or longer.	David Nelms / Alison Teetor
2.	Provide a written report detailing significant findings, what they mean, where they are going and to what areas the findings apply.	David Nelms / Alison Teetor

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
3.	Change requests from homeowners for the relocation of the sewer line and/or grinder pump be done in writing.	Alison Teetor
4.	Provide for the Board a report on minimum instream flow.	Alison Teetor
5.	Place review of minimum instream flow report on the December 2003 Agenda.	David Ash
6.	Letter of acknowledgement to Marsha Simons, Allegheny Power.	David Ash
7.	Letter to Virginia Dominion Power requesting their appearance before the Board to discuss issues surrounding the power outages during Hurricane Isabel.	David Ash
8.	Forward VACo Voting Credentials.	David Ash
9.	Update Appointments & Commissions database and distribute.	David Ash
10.	Send out notices of appointment.	David Ash
11.	Publicize public hearings for November meeting.	David Ash
12.	Follow up on Soil Contamination.	David Ash
13.	Personnel Committee review the organizational structure of the EMS agency with the idea of creating something with a more formal structure with greater definition.	Personnel Committee
14.	Review with the Economic Development Advisory Committee the need for a telecommuting facility.	Economic Development Advisory Committee

Next Meeting:

The next regular meeting of the Board of Supervisors is set for November 18, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 2:45 p.m.

ATTEST: October 21, 2003

John Staelin, Chairman

David L. Ash, County Administrator